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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/073,472	02/11/2002	Bernhard Allgaier	2368.129	4361
41288	7590	11/03/2005	EXAMINER	
PENDORF & CUTLIFF			ADAMS, GREGORY W	
5111 MEMORIAL HIGHWAY			ART UNIT	
TAMPA, FL 33634-7356			PAPER NUMBER	

3652

DATE MAILED: 11/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/073,472

Applicant(s)

ALLGAIER, BERNHARD

Examiner

Gregory W. Adams

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 June 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) 1,2,4-17,19,27-29 and 34 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 18,26,30 and 35-37 is/are rejected.
- 7) ☒ Claim(s) 1,2,20-25 and 31-33 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>7/29/2005</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

This application has been transferred to Examiner Gregory W. Adams.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 18, 20, 21, 23, 24 & 36 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 18 is objected for the following: With respect to line 3 it is unclear where the other side "of the slide bar(s)" is located; with respect to line 7 "the guide bar" lacks antecedent basis. With respect to line 3, it is unclear which slide bar "the other side" relates to or where it is located.

With respect to claim 20, line 3, "the two levers" lacks antecedent basis.

With respect to claim 21, line 3, "the slide bars" lacks antecedent basis.

With respect to claim 23, lines 2-3, it is unclear whether "eccentric disk or crank disk" should relate to "eccentric pin" or "crank pin". A suggested change to line 3 is – carries an eccentric pin or crank pin respectively--.

With respect to claim 24, line 2, "the lift bars" lacks antecedent basis. With respect to line 3, it is unclear whether guide rollers are vertically guided on suitable guide elements or the lift bar rollers are vertically guided on guide elements.

With respect to claim 36, line 13, should be rewritten from "wherein each lever includes" to --wherein each said lever includes--.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claim 26, 30 & 35-37 are rejected under 35 U.S.C. 102(b) as being anticipated by Leaman (US 2,883,032).

With respect to claim 26, Leaman discloses slide blocks 19 guide a force transmission device sideways.

With respect to claim 30, Leaman discloses a force transmission device includes a motor drive 24, and a conversion device 21, 23, 39, 43, 38 which converts rotational movement of a motor drive to horizontal linear movement.

With respect to claim 35, Leaman discloses two force transmission devices 16, 17, 16a, 17a, 18c 19 in parallel.

With respect to claim 36, Leaman discloses a lift device for lifting and lowering a support device 6 of a transport track segment of a transport device 16 comprising a work piece carrier⁵⁰, force producing device 24 to lift a support device 6, a force transmission device 16a, 17a which transmits force to a support device 6 wherein a force transmission device includes a lever 16a, 17a having a first end 30 horizontally coupled to a force producing device 24 and that is horizontally displaceably guided, and

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further having a second end coupled to a support device 6 and guided for vertical displacement. It is noted that 18, 19, F as well as 28, 27, 30, 35 provide guiding displacement.

With respect to claim 37, Leaman discloses a lever first end 30 is linked to a horizontal slide bar 26. It is noted that 26 slides around cam crank 21, 23 and a lever second end is linked to a lift bar 33 wherein a lift bar is parallel to a slide bar 26. It is noted that during lifting, Leaman's lift bars and slide bars are parallel.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Leaman (US 2,883,032) in view of Cook (US 4,750,604). Leaman does not disclose a spring or tensioning device. Cook discloses a connecting device 14 provided on a slide bar other side wherein a connecting device 14 is connected with a spring tensioning device 17 upon which a pressure spring 15 and spring abutment rigidly connected with a guide bar. Cook teaches that when lowering a lifting device, lever 6, 7 are release, wherein the stored energy of springs 15 returns rotates levers 6, 7 in a downward motion. Col. 2, lns. 5-25. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the lift device of Leaman to include a spring,

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as per the teachings of Cook, such that a lifting device will return to its original position during lowering.

Response to Amendment

Claims 1-2, 4-17, 19 are cancelled, and claims 27, 28, 29, 34 stand withdrawn.

Allowable Subject Matter

Claims 3, 20-25 & 31-33 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory W. Adams whose telephone number is (571) 272-8101. The examiner can normally be reached on M-Th, 8:30-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen Lillis can be reached on (571) 272-6928. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


EILEEN D. LILLIS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER

GWA